THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5929 of 2006

Between:

K.Subbanna … Petitioner

And

The Mandal Revenue Officer,

Duvvur Mandal, Kadapa District

And another

…Respondents

ORDER:

Petitioner questions the action of the respondents in not surveying and fixing the boundaries in respect of 26 cents of land in Sy.No.194 of Nelatur Village in Duvvur Mandal of Kadapa District though the petitioner paid challan on 15.12.2005, as illegal and arbitrary.

The case of the petitioner is that he has purchased land to an extent of 26 ceents in Sy.No.194 of Nelatur Village in Duvvur Mandal, Kadapa District vide registered sale deed dated 3.5.1989. It is stated

that there is some boundary dispute and as one Venkata Subbs Reddy also purchased Gramanatham land attempting and encroaching the rastha in front of the house. To resolve the said dispute, the petitioner wanted the respondents to survey and fix up boundary in respect of the said land of 26 cents in Sy.No.194 of Nelatur village. Accordingly, the petitioner paid an amount of Rs.250/- through challan on 15.12.2005. But the said survey has been conducted under Section 10 of the A.P.Survey and Boundaries Act, 1923.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

I am of the opinion that without filing any requisite application mere payment of challan will not constitute sufficient requirement to conduct survey by the authorities. Having regard to the facts and circumstances of the case, the petitioner is directed to file an application enclosing copy of the said challan dated 15.12.2005 for survey of his land to an extent of 26 cents disclosing the boundaries of neighbouring land. If any such application is filed, the respondents are directed to consider and dispose of the same after considering the objections of neighbourers as well as the said Venkata Subba Reddy, in accordance with law, within a period of six weeks from the date of receipt of the said application.

The writ petition is accordingly disposed of. No order as to costs.

V.ESWARAIAH, J.

24.3.2006

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